

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of:

PARENT ON BEHALF OF STUDENT,

OAH CASE NO. 2014050486

v.

GLENDALÉ UNIFIED SCHOOL DISTRICT,

GLENDALÉ UNIFIED SCHOOL DISTRICT,

OAH CASE NO. 2014030455

v.

PARENT ON BEHALF OF STUDENT.

ORDER GRANTING CONTINUANCE
OF PREHEARING CONFERENCE
ONLY

On January 6, 2015, the parties filed a stipulated request to continue the prehearing conference only. District's case was filed in March of 2014. Student's case was originally filed in May of 2014 and amended in September of 2014, and multiple continuances have been granted.

A due process hearing must be conducted and a decision rendered within 45 days of receipt of the due process notice unless an extension is granted for good cause. (34 C.F.R. § 300.515(a) & (c) (2006); Ed. Code, §§ 56502, subd. (f), 56505, subd. (f)(3); Cal. Code Regs., tit. 1, § 1020.) As a result, continuances are disfavored. Good cause may include the unavailability of a party, counsel, or an essential witness due to death, illness or other excusable circumstances; substitution of an attorney when the substitution is required in the interests of justice; a party's excused inability to obtain essential testimony or other material evidence despite diligent efforts; or another significant, unanticipated change in the status of the case as a result of which the case is not ready for hearing. (See Cal. Rules of Court, rule 3.1332(c).) OAH considers all relevant facts and circumstances, including the proximity of the hearing date; previous continuances or delays; the length of continuance requested; the availability of other means to address the problem giving rise to the request; prejudice to a party or witness as a result of a continuance; the impact of granting a continuance on other pending hearings; whether trial counsel is engaged in another trial; whether the parties have stipulated to a continuance; whether the interests of justice are served by the continuance; and any other relevant fact or circumstance. (See Cal. Rules of Court, rule 3.1332(d).)

OAH has reviewed the request for good cause and considered all relevant facts and circumstances. The request is:

☒ Granted. The prehearing conference will now be held on Friday January 16, 2015 at 1:00 p.m. (Note that OAH does not conduct prehearing conferences on Wednesdays, as requested, and counsel should familiarize themselves with the scheduling guide on OAH's website.) All parties are to submit prehearing conference statements by Wednesday, January 14, 2015, and the parties are expected to have complied with all document and witness exchange deadlines should the matter not settle. No further continuance of the hearing date is contemplated for any reason as the parties have had more than ample time to negotiate and/or prepare for hearing given the age of these matters.

IT IS SO ORDERED.

DATE: January 07, 2015

/s/

RICHARD T. BREEN
Presiding Administrative Law Judge
Office of Administrative Hearings